

Message Text

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C O N F I D E N T I A L STATE 297930 TOSEC 320031

E.O. 11652: GDS

TAGS: OCON, CA

SUBJECT: REVISED CHECKLIST AND BRIEFING PAPER FOR PROPOSED
BILATERAL WITH CANADIAN EXTAFF SECRETARY JAMIESON

NATO BILATERAL CHECKLIST - CANADA

PARTICIPANTS

. US CANADA
THE SECRETARY . . . FOREIGN MINISTER JAMIESON
. . . . NATO PERMREP

CHECKLIST:

MARITIME BOUNDARY AND FISHERY NEGOTIATIONS: THE CANADIAN
PROPOSAL TO USE ICNAF SUBAREAS AS A BASIS FOR A SHORT-TERM
FISHERIES AGREEMENT IN EFFECT CALLS FOR JOINT MANAGEMENT
OVER ALL OF GEORGES BANK AND IS UNACCEPTABLE. OUR TWO
SIDES HAVE A COMMON APPROACH TO ENFORCEMENT AGAINST EACH
OTHER AND THIRD PARTIES IN THE DISPUTED ZONE AND WE WOULD
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LIKE TO PUBLICLY ACKNOWLEDGE OUR MEASURE OF AGREEMENT BEFORE
JANUARY 1. WE CAN DEAL WITH OTHER SHORT-TERM FISHERIES
ISSUES IN THE AGREEMENT ON WHICH WE WILL RESUME NEGOTIATIONS

ON JANUARY 17. I HOPE WE CAN BEGIN DISCUSSION OF A COMPROMISE BOUNDARY SOON, AS WE PREVIOUSLY AGREED.

QUEBEC ELECTION: WE HAVE AVOIDED PUBLIC COMMENT ON THE QUEBEC ELECTION, BUT I WANT YOU TO KNOW PRIVATELY THAT THE USG CONTINUES TO FAVOR A STRONG, STABLE, AND UNIFIED CANADA. WE WISH TO BE HELPFUL, AND AT LEAST NOT TO COMPLICATE THE PROBLEM.

BORDER TELEVISION: (SHOULD JAMIESON CONVEY THE GOC DECISION ON COMMERCIAL DELETION AS EXPECTED) I SUGGEST OUR OFFICIALS MEET TO WORK OUT A STATEMENT OF THE GOC ACTION THAT CAN BE CONVEYED TO THE U.S. INTERESTS.

JAMIESON TRIP TO SOVIET UNION: ASK JAMIESON FOR HIS IMPRESSIONS. HE WAS IN THE SOVIET UNION IN OCTOBER.

INTERNATIONAL DEVELOPMENTS: JAMIESON WILL BE INTERESTED IN HEARING YOUR VIEWS ON THE MIDDLE EAST SITUATION (HE DISCUSSED THIS WITH GROMYKO) AND ON RECENT DEVELOPMENTS IN RHODESIA.

FOREIGN POLICY OF NEW ADMINISTRATION: ASSURE JAMIESON THAT CANADA WILL REMAIN AS IMPORTANT AS EVER TO THE U.S. DESPITE THE CHANGE IN ADMINISTRATIONS AND TELL HIM WHAT YOU CAN IN THIS REGARD ABOUT YOUR CONVERSATION WITH PRESIDENT-ELECT CARTER.

SETTING:

YOU LAST MET WITH JAMIESON ON OCTOBER 15 IN WASHINGTON FOR DISCUSSION PRIMARILY OF BILATERAL ISSUES. THIS WAS JUST BEFORE JAMIESON'S TRIP TO MOSCOW AND OTHER POINTS IN EUROPE.

JAMIESON HAS ASKED TO SEE YOU IN BRUSSELS AS A MATTER OF "HIGHEST PRIORITY" TO DISCUSS OUR MARITIME NEGOTIATIONS.
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HE ALSO WISHES TO LET YOU KNOW WHERE THE GOC STANDS ON THE BORDER TV PROBLEM AND SAID HE WOULD LIKE TO CLARIFY SEVERAL POINTS CONCERNING THE MIDDLE EAST THAT HE DISCUSSED WITH GROMYKO IN OCTOBER.

OUR PRIMARY OBJECTIVE AT THIS MEETING IS TO ADVANCE OUR MARITIME BOUNDARY AND FISHERIES OBJECTIVES BY MAKING CLEAR TO JAMIESON THAT THE CANADIAN EFFORT TO OBTAIN JOINT MANAGEMENT AUTHORITY THROUGHOUT GEORGES BANK IN A SHORT-TERM FISHERY AGREEMENT CANNOT BE ACCEPTED BY THE U.S. AND BY TRYING TO RESTORE THE LINKAGE BETWEEN BOUNDARY AND FISHERY NEGOTIATIONS THAT WE THOUGHT JAMIESON HAD

AGREED TO IN YOUR MEETING OF OCTOBER 16. IT WOULD BE USEFUL AS WELL TO ASSURE JAMIESON THAT WE STILL FAVOR A STRONG, STABLE, AND UNIFIED CANADA AND NOT AN INDEPENDENT QUEBEC.

SINCE YOUR LAST MEETING THERE HAS BEEN AN ELECTION IN QUEBEC WHERE, ON NOVEMBER 15, THE SEPARATIST PARTI QUEBECOIS (PQ) WON A STUNNING VICTORY OVER THE PREVIOUS LIBERAL PROVINCIAL GOVERNMENT. THE ELECTION DID NOT GIVE THE PQ A MANDATE FOR QUEBEC INDEPENDENCE, WITH POLLS SHOWING THAT A MAJORITY OF QUEBECERS STILL FAVOR FEDERATION. NEVERTHELESS, THE PQ VICTORY WAS A SERIOUS POLITICAL BLOW TO TRUDEAU AND THE FEDERAL LIBERAL PARTY. CONFRONTATION BETWEEN OTTAWA AND QUEBEC OVER SEPARATISM IS LIKELY TO MOUNT OVER TIME EVEN THOUGH THE PQ PROVINCIAL GOVERNMENT HAS PLEDGED TO WORK WITHIN THE CONSTITUTION UNTIL GIVEN A POPULAR MANDATE FOR INDEPENDENCE AND IS NOT LIKELY TO CALL A REFERENDUM FOR ANOTHER TWO YEARS. TRUDEAU AND THE CANADIAN GOVERNMENT MAY BECOME PREOCCUPIED WITH INTERNAL POLITICAL QUESTIONS OVER THIS PERIOD, IMPAIRING THEIR ABILITY TO DEAL WITH DOMESTIC ECONOMIC PROBLEMS AND INHIBITING INVOLVEMENT IN INTERNATIONAL AFFAIRS. A DOMESTICALLY VULNERABLE CANADIAN GOVERNMENT WILL LIKELY BE CAUTIOUS IN ITS RELATIONS WITH THE U.S. POSSIBLE U.S. INVOLVEMENT IN THE QUESTION OF CANADIAN UNITY WILL BE A SENSITIVE ISSUE.

ISSUES/TALKING POINTS:
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1. MARITIME BOUNDARY AND FISHERIES NEGOTIATIONS:

BACKGROUND. IN YOUR MEETING WITH JAMIESON ON OCTOBER 15, THE U.S. SIDE UNDERSTOOD THAT AGREEMENT HAD BEEN REACHED TO CONTINUE MARITIME BOUNDARY AND RESOURCE NEGOTIATIONS WITH THE FOLLOWING UNDERSTANDINGS SPECIFICALLY RELATED TO THE DIFFICULT GULF OF MAINE AREA.

-- TO TRY TO FIND A MUTUALLY AGREEABLE BOUNDARY LINE.

-- IN THE INTERVAL WHILE NEGOTIATIONS ARE GOING ON, TO WORK OUT MUTUALLY AGREEABLE INTERIM PROCEDURES FOR DEALING WITH THIRD PARTIES.

-- TO NEGOTIATE LONG-TERM FISHING ARRANGEMENTS NOT NECESSARILY LIMITED TO THE DISPUTED ZONE OF OVERLAPPING CLAIMS.

-- TO WORK OUT COOPERATIVE ARRANGEMENTS CONCERNING HYDROCARBONS ON SIMILAR TERMS.

SINCE THAT MEETING THE GOC, DESPITE THREE REQUESTS BY

MONROE LEIGH, HAS REFUSED TO MEET AGAIN ON MARITIME BOUNDARIES AND HAS LIMITED OUR DISCUSSIONS TO INTERIM FISHERIES ARRANGEMENTS. THREE BILATERAL FISHERIES MEETINGS HAVE MADE PROGRESS ON INTERIM ARRANGEMENTS, AND FULL-SCALE NEGOTIATIONS ON AN INTERIM FISHERIES AGREEMENT ARE SCHEDULED TO BEGIN ON JANUARY 17, 1977.

HOWEVER, ONE MAJOR STICKING POINT REMAINS: CANADA'S INSISTENCE ON SOME FORM OF AGREEMENT THAT WOULD ACKNOWLEDGE THEIR MANAGEMENT AUTHORITY SOUTH OF THEIR LINE ON GEORGES BANK. JAMIESON WROTE YOU ON OCTOBER 22 THAT HE UNDERSTOOD YOU AND HE HAD AGREED UPON JOINT MANAGEMENT OF FISHERIES OUTSIDE THE DISPUTED ZONE. YOUR RESPONSE OF NOVEMBER 11 SET FORTH OUR UNDERSTANDING OUTLINED ABOVE AND STRESSED THAT IT WAS NOT YOUR UNDERSTANDING THAT A SHORT-TERM AGREEMENT WOULD BE PREMISED ON JOINT MANAGEMENT BEYOND THE DISPUTED ZONE, ALTHOUGH ACCESS TO FISHERIES OF INTEREST OUTSIDE THE DISPUTED ZONE COULD BE NEGOTIATED FOR CONFIDENTIAL

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THE SHORT TERM.

YOUR EXCHANGE WITH JAMIESON LED TO SOME PROGRESS IN OUR LATEST FISHERIES TALKS (NOVEMBER 18-19) WITH BOTH SIDES AGREEING IN PRINCIPLE TO EXCLUDE THIRD-PARTY FISHING FROM THE DISPUTED ZONES AND TO NEGOTIATE SPECIAL ENFORCEMENT ARRANGEMENTS IN THESE AREAS. THE CANADIANS ALSO IMPLIED A WILLINGNESS TO ALLOW U.S. FISHING TO CONTINUE AT TRADITIONAL LEVELS NORTH OF ITS LINE AFTER JANUARY 1 WHEN ITS 200-MILE ZONE IS IMPLEMENTED.

HOWEVER, THE GOC CONTINUED TO PRESS FOR JOINT ALLOCATION OF FISH STOCKS ON ALL OF GEORGES BANK, SUGGESTING THAT JOINT ADOPTION OF THE ICNAF ALLOCATIONS FOR THE SUB-AREA COVERING THE BANK WOULD MEET U.S. JURISDICTIONAL NEEDS. THE U.S. SIDE CONTINUED TO INSIST THAT WHILE WE COULD CONSIDER CANADIAN ACCESS SOUTH OF THE DISPUTED ZONE, TO GIVE CANADA A MANAGEMENT ROLE IN THE U.S.-CLAIMED AREA OUTSIDE THE DISPUTED ZONE WOULD BE POLITICALLY UNACCEPTABLE AND PREJUDICIAL TO OUR BOUNDARY POSITION.

IN HIS LETTER TO YOU OF DECEMBER 3, JAMIESON ACKNOWLEDGES GENERAL AGREEMENT WITH THE FRAMEWORK OF UNDERSTANDING OUTLINED IN YOUR NOVEMBER 11 LETTER WHILE REASSERTING HIS UNDERSTANDING THAT AGREEMENT ON LONG-TERM JOINT FISHERIES MANAGEMENT HAD BEEN REACHED BETWEEN YOU. HE EXPRESSED THE VIEW THAT THE CANADIAN PROPOSAL TO USE ICNAF SUB-AREAS AS A BASIS FOR AN INTERIM AGREEMENT IS CONSISTENT WITH THE POINTS MADE IN YOUR LETTER AND WOULD NOT PREJUDICE THE U.S. BOUNDARY POSITION. JAMIESON NOTES THAT

CANADA'S 200-MILE ZONE WILL GO INTO EFFECT JANUARY 1

WITHOUT ANY BILATERAL AGREEMENT IN PLACE AND SUGGESTS THAT CANADA IS PREPARED TO BE FORBEARING VIS-A-VIS U.S. FISHERMEN AFTER THAT DATE. HOWEVER, HE EXPRESSES CONCERN AT INDICATIONS FROM U.S. OFFICIALS THAT THE U.S. MIGHT NOT BE ABLE TO RECIPROCATATE CANADIAN FORBEARANCE WHEN OUR 200-MILE ZONE ENTERS INTO EFFECT MARCH 1, AND SEES DIFFICULTY IN AGREEING TO CANADIAN FORBEARANCE WITHOUT RECIPROCITY. JAMIESON'S LETTER EXPRESSES THE HOPE THAT YOU AND HE CAN DISCUSS CANADA'S ICNAF PROPOSAL AND MUTUAL CONFIDENTIAL

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FORBEARANCE IN BRUSSELS.

SINCE RECEIPT OF THE JAMIESON LETTER, TOM ENDERS HAS REPORTED THAT HE BELIEVES CANADIAN BUREAUCRATS ARE ATTEMPTING TO UNRAVEL YOUR UNDERSTANDINGS WITH JAMIESON, WHO MAY NOT HIMSELF BE WEDDED TO THEIR INSISTENCE ON BROAD JOINT MANAGEMENT SO LONG AS A POLITICALLY DEFENSIBLE COMPROMISE CAN BE FOUND.

ANALYSIS. THE CANADIAN PROPOSAL FOR JOINT ADOPTION OF ICNAF AREA ALLOCATIONS IGNORES THE DIFFERENCE BETWEEN THE DISPUTED AREAS AND AREAS OVER WHICH ONLY ONE SIDE HAS ASSERTED JURISDICTION. THIS PROPOSAL, FOR JOINT ALLOCATIONS AND MUTUAL FORBEARANCE THROUGHOUT THE WHOLE OF GEORGES BANK, GOES BEYOND YOUR UNDERSTANDING WITH JAMIESON AND IS UNACCEPTABLE FOR TWO REASONS: (1) IT WOULD REMOVE THE ENTIRE NEW ENGLAND FISHERY FROM MANAGEMENT PROCEDURES ESTABLISHED BY CONGRESS IN THE 200-MILE BILL; (2) ABSENT A BOUNDARY AGREEMENT, IT COULD PREJUDICE OUR BOUNDARY POSITION AND DESTROY OUR LEVERAGE FOR A SETTLEMENT.

THE UNITED STATES HAS MADE A REASONABLE PROPOSAL TO CANADA FOR AN INTERIM FISHERIES AGREEMENT INCLUDING (A) MUTUAL FORBEARANCE AND JOINT ENFORCEMENT AGAINST THIRD PARTIES IN THE DISPUTED AREA, AND (B) RECIPROCAL ACCESS TO PRESENT FISHERIES OFF EACH OTHER'S COAST. THIS PROPOSAL IS OF CONSIDERABLE ADVANTAGE TO CANADA ON THE EAST COAST BECAUSE ITS FISHERY (SCALLOPS AND GROUND FISH) ON THE SOUTHERN GEORGES BANK IS MUCH MORE VALUABLE THAN THE SMALL U.S. FISHERY (RED FISH) OFF NOVA SCOTIA. CANADA, HOWEVER, HAS CONTINUED TO PRESS FOR SOME FORM OF JOINT MANAGEMENT OF THE WHOLE OF GEORGES BANK, HAS REFUSED TO DISCUSS BOUNDARY LINES SINCE YOU LAST SAW JAMIESON, AND IS APPARENTLY SEEKING TO ACHIEVE ITS LONG-TERM FISHERIES OBJECTIVES THROUGH AN INTERIM AGREEMENT WITHOUT A BOUNDARY SETTLEMENT. YOU AND JAMIESON AGREED THAT LONG-TERM RESOURCE AND BOUNDARY SETTLEMENTS WOULD BE LINKED. THE GOC APPEARS TO BE TRYING TO BYPASS THIS LINKAGE THROUGH

ITS INSISTENCE ON GEORGES BANK JOINT MANAGEMENT IN THE

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SHORT TERM.

WITH REGARD TO RECIPROCAL FORBEARANCE, JAMIESON APPEARS TO BE SEEKING U.S. AGREEMENT NOT TO APPLY ITS FISHERIES LEGISLATION TO CANADA THROUGHOUT ALL OF GEORGES BANK. U.S. NEGOTIATORS HAVE INDICATED WE ARE PREPARED TO EXERCISE FORBEARANCE IN THE DISPUTED ZONE. WE CANNOT AGREE NOT TO APPLY OUR LAWS IN U.S. AREAS OUTSIDE THE DISPUTED ZONE, BUT WE CAN EASE THE APPLICATION OF THOSE LAWS TO CANADIAN FISHING BY AGREEMENT APPROVED BY CONGRESS.

FULL-SCALE NEGOTIATIONS ON A SHORT-TERM AGREEMENT ARE SCHEDULED TO RESUME JANUARY 17 AND WE HOPE TO CONCLUDE AN AGREEMENT THEN. HOWEVER, TO AVOID POSSIBLE FRICTION AND PREJUDICE TO OUR LEGAL POSITION WE SHOULD PRESS FOR A PRELIMINARY AGREEMENT BEFORE CANADIAN JURISDICTION IS EXTENDED ON JANUARY 1, COVERING ENFORCEMENT PROCEDURES IN THE DISPUTED ZONE.

YOUR TALKING POINTS:

-- I APPRECIATE YOUR LETTER OF DECEMBER 3 REGARDING OUR BILATERAL FISHERY AND MARITIME BOUNDARY NEGOTIATIONS.

-- THE NOVEMBER 18-19 CONSULTATIONS BETWEEN OUR FISHERIES NEGOTIATORS WERE HELPFUL. THEY REFLECTED A COMMON APPROACH TO ENFORCEMENT AND FISHING BY THIRD PARTIES IN THE AREA BETWEEN OUR TWO LINES IN THE GULF OF MAINE.

-- THE BASIC DIFFICULTY WITH THE CANADIAN PROPOSAL FOR JOINT ALLOCATION USING ICNAF SUB-AREAS IS NOT THE AMOUNTS OF THE ALLOCATIONS, WHICH WE ARE PREPARED TO CONSIDER, BUT IS THAT IN EFFECT THE PROPOSAL CALLS FOR JOINT MANAGEMENT THROUGHOUT ALL OF GEORGES BANK.

-- THE U.S. IS PREPARED TO ACCOMMODATE CANADIAN FISHERIES ON A RECIPROCAL BASIS IN AREAS UNDER OUR JURISDICTION. HOWEVER, A SHORT-TERM AGREEMENT PREMISED UPON JOINT MANAGEMENT THROUGHOUT ALL OF GEORGES BANK IS NOT ACCEPTABLE TO THE U.S.

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-- YOUR DECEMBER 3 LETTER REFERS TO FORBEARANCE IN ENFORCEMENT AGAINST EACH OTHER'S FISHERMEN. IT IS MY UNDERSTANDING THAT OUR FISHERIES NEGOTIATORS HAVE REACHED CONSIDERABLE AGREEMENT ON MUTUAL FORBEARANCE IN THE AREA BETWEEN OUR TWO LINES IN THE GULF OF MAINE. IT WOULD BE

MY HOPE THAT WE COULD WORK OUT WAYS TO PUBLICLY REFLECT
OUR AGREEMENT ON THIS POINT AS WELL AS OUR AGREEMENT ON

THIRD-PARTY FISHING BEFORE JANUARY 1.

-- MUTUAL FORBEARANCE IN AREAS OUTSIDE THE DISPUTED ZONE
IS DIFFICULT UNDER OUR LEGISLATION. HOWEVER, WE REMAIN
PREPARED TO NEGOTIATE A SHORT-TERM AGREEMENT WHICH WOULD
AUTHORIZE CANADIAN FISHING IN OUR 200-MILE ZONE AND EASE
THE ADMINISTRATIVE BURDENS WHICH WOULD OTHERWISE APPLY.

-- IT IS OUR VIEW THAT THE ELEMENTS OF A SHORT-TERM
AGREEMENT CAN BE DISCERNED AND WE LOOK FORWARD TO BEGIN-
NING FULL-SCALE NEGOTIATIONS ON JANUARY 17 AS RECENTLY
AGREED.

-- I WOULD ALSO LIKE TO RECONFIRM WHAT I UNDERSTAND TO BE
OUR COMMITMENT TO SEEK A COMPROMISE BOUNDARY LINE IN THE
GULF OF MAINE AND MUTUALLY ACCEPTABLE LONG-TERM RESOURCE
ARRANGEMENTS. I REGRET THAT CANADIAN SIDE HAS BEEN UNWILL-
ING TO MEET ON THE BOUNDARY ISSUES SINCE OUR OCTOBER DIS-
CUSSIONS AND HOPE THAT BOTH SIDES WILL BE ABLE TO
TABLE COMPROMISE BOUNDARY PROPOSALS SOON.

2. QUEBEC ELECTION:

BACKGROUND. FOR THE U.S., THE PQ VICTORY DICTATES A
NEUTRAL AND CAUTIOUS PUBLIC RESPONSE. NONETHELESS, IT IS
HARD TO FIND ANY ADVANTAGE FOR THE U.S. IN A WEAKENED OR
FRAGMENTED CANADA, WHETHER POLITICALLY, ECONOMICALLY, OR
IN TERMS OF OUR SECURITY. WHILE PUBLIC U.S. INVOLVEMENT
IN THIS DELICATE CANADIAN DOMESTIC SITUATION WOULD BE
APT TO ANTAGONIZE ALL THE PARTIES INVOLVED, WE SHOULD LET
THE FEDERAL GOVERNMENT KNOW PRIVATELY THAT WE FAVOR A
STRONG, STABLE, AND UNIFIED CANADA.

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YOUR TALKING POINTS:

-- ALTHOUGH I DO NOT WISH TO INTRUDE INTO WHAT IS BASIC-
ALLY A DOMESTIC CANADIAN AFFAIR--THE RECENT QUEBEC
ELECTION--I WANT YOU TO KNOW THAT THE U.S. CONTINUES TO
FAVOR A STRONG, STABLE, AND UNIFIED CANADA.

-- I ALSO WANT YOU TO KNOW THAT WE ARE ANXIOUS TO BE
HELPFUL, IF WE CAN, AND AT LEAST TO AVOID CONTRIBUTING TO
PROBLEMS, AND ARE OPEN TO SUGGESTIONS IN THIS REGARD.

3. BORDER TELEVISION:

BACKGROUND. U.S. AND CANADIAN REPRESENTATIVES MET

OCTOBER 6 TO DISCUSS POSSIBLE ALTERNATIVES TO CANADIAN
POLICIES DESIGNED TO MAKE ADVERTISING ON U.S. TV STATIONS

UNATTRACTIVE TO CANADIAN FIRMS. WHILE THE MEETING CONFIRMED CANADIAN UNWILLINGNESS TO RECONSIDER CERTAIN RECENT TAX CHANGES, THE CANADIAN TEAM SEEMED TO BE SYMPATHETIC TO A U.S. PROPOSAL FOR A THREE-YEAR DELAY IN IMPLEMENTATION OF GOC POLICY OF DELETING COMMERCIALS FROM U.S. BROADCASTS CARRIED ON CANADIAN CABLE SYSTEMS. WHEN YOU MET WITH JAMIESON ON OCTOBER 15 IN WASHINGTON HE TOLD YOU HE THOUGHT THE OUTCOME OF INTERNAL GOC DELIBERATIONS ON THIS ISSUE WOULD BE SATISFACTORY. WE NOW UNDERSTAND THAT JAMIESON IS LIKELY TO GIVE YOU A GENERALLY FAVORABLE RESPONSE. IF HE DOES, IT IS IMPORTANT THAT WE HAVE A FOLLOW-ON MEETING BETWEEN OFFICIALS AS SOON AS POSSIBLE TO ESTABLISH PRECISELY WHAT CANADA IS PREPARED TO DO AND TO WORK OUT AN AGREED PUBLIC STATEMENT.

YOUR TALKING POINTS:

-- I APPRECIATE THE CANADIAN GOVERNMENT'S EFFORTS TO WORK WITH US TO RESOLVE THIS POTENTIALLY SERIOUS PROBLEM.

-- I WILL INSTRUCT MY PEOPLE TO ARRANGE A MEETING WITH CANADIAN OFFICIALS AS SOON AS POSSIBLE TO GO OVER YOUR RESPONSE TO OUR PROPOSAL, SO THAT THE AFFECTED U.S. INTERESTS MAY BE INFORMED. ROBINSON
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